

### **REMARKS**

Claims 1-6, 8 and 10 are pending in this application. Claims 7, 9 and 11 have been canceled without prejudice or disclaimer to the subject matter included therein. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner objected to claim 10 based on minor informalities; rejected claims 8 and 10 under 35 U.S.C. §102(b) as being anticipated by Hirose (USP 5,357,347); and rejected claims 1-3 and 5-6 under 35 U.S.C. §103(a) as being unpatentable over Hirose in view of Parulski (USP 7,027,172). Applicant respectfully traverses this rejection.

Applicant wishes to thank the Examiner for indicating claim 4 includes allowable subject matter.

### **Claim Objections**

The Examiner objected to claim 10 based on minor informalities. By this amendment, Applicant has amended claim 10 to correct the typographical error. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

### **Prior Art Rejections**

By this amendment, Applicant has amended claim 1 to recite, *inter alia*, a first communication device which has a first communication mode for sending an image capturing command to an external device and sending the image selected by the image selecting device to the external device, and a second communication mode for enabling the image sending apparatus to function as an external recording device for the external device and to be read and written by the external devices.

In support of the Examiner's rejection of claim 1, the Examiner relies on the teachings of Hirose to teach this claim element. However, the disclosure of Hirose is directed to a

communication system with an inoperability detector such as an “ink out” detector in a receiving machine. Two image recording machines are connected for communication and provide for a copying operation or a sending operation.

However, claim 1, as amended requires a second communication mode for enabling the image sending apparatus to function as an external recording device for the external device **and to be read and written by the external devices**. The image recording machines in Hirose are not able to be read and written by the external devices.

As Parulski fails to cure the deficiencies of the teachings of Hirose, for at least this reason, Applicant respectfully submits that claim 1 is patentable over the references as cited.

In addition to the above arguments, Applicant submits that claim 1 requires a first communication mode for **sending an image capturing command to an external device and sending the image selected by the image selecting device to the external device**, and a second communication mode for enabling the image sending apparatus to function as an external recording device for the external device and to be read and written by the external devices. As can be seen from this claim language, the first and second communication modes establishes a communication direction, i.e., from the image sending apparatus to the external device.

However, in support of the Examiner’s rejection, the Examiner relies on col. 3, lines 39-42 to teach the first and second communication mode. At this citation, Hirose discloses as follows:

The key 240 is for switching for an image recording mode or a communication mode between a chromatic color mode and a monochromatic color mode (black and white mode, for example). The key 240 is associated with the displays 241 and 242 which displays the mode selected by the key 240, by emitting light from one of them, for example.

As can be seen from the above disclosure, Hirose merely discloses a chromatic color mode and a monochromatic color mode. Applicant respectfully submits that these teachings are wholly insufficient to teach or suggest a first communication mode for **sending an image capturing command to an external device and sending the image selected by the image selecting device to the external device**, and a second communication mode for enabling the image sending apparatus to function as an external recording device for the external device and

to be read and written by the external devices. In other words, the teachings of Hirose as noted above fail to teach at least a first and second communication mode **establishing a communication direction, i.e., from the image sending apparatus to the external device.**

Further, even if the image recording machines “A” and “B” are identical machines which perform bi-directional communication, as the Examiner asserts, Hirose does not teach or suggest at least the first and second communication modes as claimed because the “recording mode” in Hirose does not define transferring direction of images.

As Parulski fails to cure the deficiencies of the teachings of Hirose, for at least this reason, Applicant respectfully submits that claim 1 is patentable over the references as cited.

It is respectfully submitted that claims 2-6 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1.

By this amendment, Applicant has amended claim 8 to recite, *inter alia*, a communication device which has a first communication mode for, on receiving an image capturing command from an image sending apparatus, capturing in the image receiving apparatus an image selected and sent by the image sending apparatus, and has a second communication mode enabling the **image receiving apparatus** to send images to the image sending apparatus for storage therein and **to read the images sent and stored in the image sending apparatus.**

For reasons similar to the arguments set forth above with regard to claim 1, Applicant maintains that the image recording machines in Hirose fail to teach or suggest a second communication mode enabling the image receiving apparatus to send images to the image sending apparatus for storage therein **and to read the images sent and stored in the image sending apparatus.** Thus for at least this reason, Applicant maintains that claim 8 is patentable over the reference(s) cited.

In addition, claim 8 requires “a mode switch control device which sends an order to the image sending apparatus to control a switch between the first communication mode and the second communication mode, wherein on checking that there has been a transfer instruction received from the image sending apparatus through the communication device, the mode switch control device determines whether or not the communication mode with the image sending apparatus is the first communication mode, and sends a conversion command ordering change to

the first communication mode if determined that a current communication mode of the image sending apparatus is not the first communication mode, **and the mode switch control device controls the mode of the image sending apparatus based on checking that there has been the transfer instruction of the image selected by an image selecting device** from a transfer instruction device of the image sending apparatus.

As can be seen from the clear claim language, the apparatus itself determines the communication mode upon checking the transfer instruction of the image, and the communication mode is switched between the first/second communication modes upon the transfer instruction of the image.

In contrast, in the system of Hirose, when a signal indicating “no ink” in machine “B” (a machine which records/prints images) is transferred to the machine “A”, the mode of machine “A” is set to the monochrome mode by automatic or manual operation of key 240 by the user, and monochrome image data is sent from machine “A” to machine “B”.

However, in the invention of claim 8, a trigger of switching modes is **a transfer instruction of the image**. In Hirose, the trigger of switching modes is an occurrence of “no ink”. As such, Applicant maintains that Hirose fails to teach or suggest “the mode switch control device controls the mode of the image sending apparatus **based on checking that there has been the transfer instruction of the image selected by an image selecting device** from a transfer instruction device of the image sending apparatus.”

It may be appreciated that by providing for this claimed invention of claim 8, the claimed apparatus is capable of transferring the desired image to a host such as the printer by a transfer instruction of the image, while the user is not conscious of the state of the communication mode and mode switching of the devices, such as the digital camera, as noted in the specification. Based on the deficiencies of the apparatus of Hirose, the apparatus in Hirose cannot achieve this advantage.

As Hirose fails to teach or suggest this claim element, Applicant respectfully submits that claim 8 is patentable over the reference as cited. For the reasons set forth above, Applicant respectfully requests the outstanding rejection be withdrawn.

It is respectfully submitted that claim 10 is allowable for the reasons set forth above with regard to claim 8 at least based on their dependency on claim 8.

### Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By

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